

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16 are currently pending in the application. Claims 1-7 are amended; and Claims 8-16 are added by the present amendment. No new matter is presented.<sup>1</sup>

In the Office Action, Claim 2 was objected to as containing an informality; Claims 1, 3, and 5-7 were rejected under 35 U.S.C. § 102(e) as anticipated by Gilbert et al. (U.S. Patent No. 6,560,577 B1, hereinafter “Gilbert ‘577”); Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Gilbert ‘577; and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Gilbert ‘577 in view of Gilbert (U.S. Patent No. 6,763,274 B1, hereinafter “Gilbert ‘274”).

Applicants have amended Claim 2 in view of the Office’s objection. Applicants respectfully request that the objection to Claim 2 be withdrawn.

Independent Claims 1 and 5-7 stand rejected under 35 U.S.C. § 102(e) as anticipated by Gilbert ‘577. Applicants have amended Claims 1 and 5-7, and Applicants respectfully submit that Claims 1 and 5-7 recite novel features not taught or rendered obvious by the art of record.

Independent Claim 1 recites, in part, an information processing apparatus, in which  
said means for detecting detects said inter-track boundaries of said plurality of tracks, based on second portions of said noise-eliminated audio data, when a number of presumed tracks is smaller than said number of tracks, the second portions having signal levels lower than an other level threshold value greater than said predetermined level threshold value, the presumed tracks being tracks divided by said presumed inter-track boundaries . . . .

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<sup>1</sup> The amendments to Claims 1 and 5-7 find support at least in Claim 4.

Applicants have amended Claim 1 to clarify that means for detecting detect inter-track boundaries of a plurality of tracks, based on second portions of noise-eliminated audio data, when a number of presumed tracks is smaller than a number of tracks.

Turning to the applied references, Gilbert '577 describes a system of encoding audio from an analog medium into a compressed digital format using attribute information and silence detection. Gilbert '577 states that a process determines whether a number of discrete digital audio tracks matches a number of tracks indicated by attribute information.<sup>2</sup>

Applicants respectfully submit that Gilbert '577 does not disclose or suggest means for detecting detect inter-track boundaries of a plurality of tracks, based on second portions of noise-eliminated audio data, when a number of presumed tracks is smaller than a number of tracks, as recited in amended Claim 1.

Turning to Gilbert '274, that reference is directed to modification of digital audio playback to compensate for timing differences. Applicants respectfully submit that Gilbert '274 does not disclose or suggest that means for detecting detect inter-track boundaries of a plurality of tracks, based on second portions of noise-eliminated audio data, when a number of presumed tracks is smaller than a number of tracks, as recited in amended Claim 1.

Thus, Applicants submit that Gilbert '577 and Gilbert '274, taken alone or in combination, fail to disclose or suggest means for detecting detect inter-track boundaries of a plurality of tracks, based on second portions of noise-eliminated audio data, when a number of presumed tracks is smaller than a number of tracks, as recited in amended Claim 1. It is therefore submitted that independent Claim 1 (and all associated dependent claims) patentably defines over Gilbert '577 and/or Gilbert '274.

It is further submitted that independent Claims 5-7 are allowable for the same reasons as discussed above with regard to Claim 1 and for the more detailed features presented by

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<sup>2</sup> Col. 4, l. 43-45.

these claims. Thus, Applicants respectfully submit that independent Claims 5-7 (and all associated dependent claims) patentably define over Gilbert '577 and/or Gilbert '274.

New Claims 8-16 have been added to set forth the claimed invention in a varying scope. Applicants respectfully submit that new Claims 8, 11, and 14 find support at least in Claim 2; new Claims 9, 12, and 15 find support at least in Claim 3; and new Claims 10, 13, and 16 find support at least in Claim 4. No new matter is added. It is respectfully submitted that dependent Claims 8-16 are allowable at least by virtue of their dependencies and for the most detailed features presented by these claims.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-16 patentably distinguishes over the applied references. The present application is therefore believed to be in condition for formal allowance. An early and favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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